

ZB# 83-20

Julian Russell

70-2-10

83-20- Russell, Julian - rear yard setback

Public Hearing

May 9, 1983.

Public Hearing

Approved June 13th
Granted

Collect \$25.00
application fee

(~~Hold for fee~~
fee paid 1/4/84.)

General Receipt

5568

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Jan 10 19 84

Received of

Julian Russell

\$25.00

Twenty five

DOLLARS

For

Zoning Board Fee

83-20

DISTRIBUTION:

FUND	CODE	AMOUNT
check		25.00

By

Fauline M. Townsend

Town Clerk

Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----x
In the Matter of the Application of

JULIAN RUSSELL,

DECISION GRANTING
VARIANCE

83-20 .
-----x

WHEREAS, JULIAN RUSSELL of 15 Truex Drive,
New Windsor, N. Y. (R-4 zone), has made application before the
Zoning Board of Appeals for area variance for the purposes of:
construction of an addition to residence in rear yard
and

WHEREAS, a public hearing was held on the 13th day of
June, 1983 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant: appeared by his agent and contractor,
George Weygant; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: there is no additional land
available for the addition to residence

3. The evidence shows that applicant is on a corner lot
and is faced with three front yards

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a 12 ft. rear yard variance in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 27, 1983

Jan. 9, 1984.

S/

Chairman

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

Memo FROM:

TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

JUN 8 1983

TO:

(Richard Fenwick - Chairman
Town of New Windsor
Zoning Board of Appeals)

BY:

Patricia Deliv

DATE: June 8, 1983

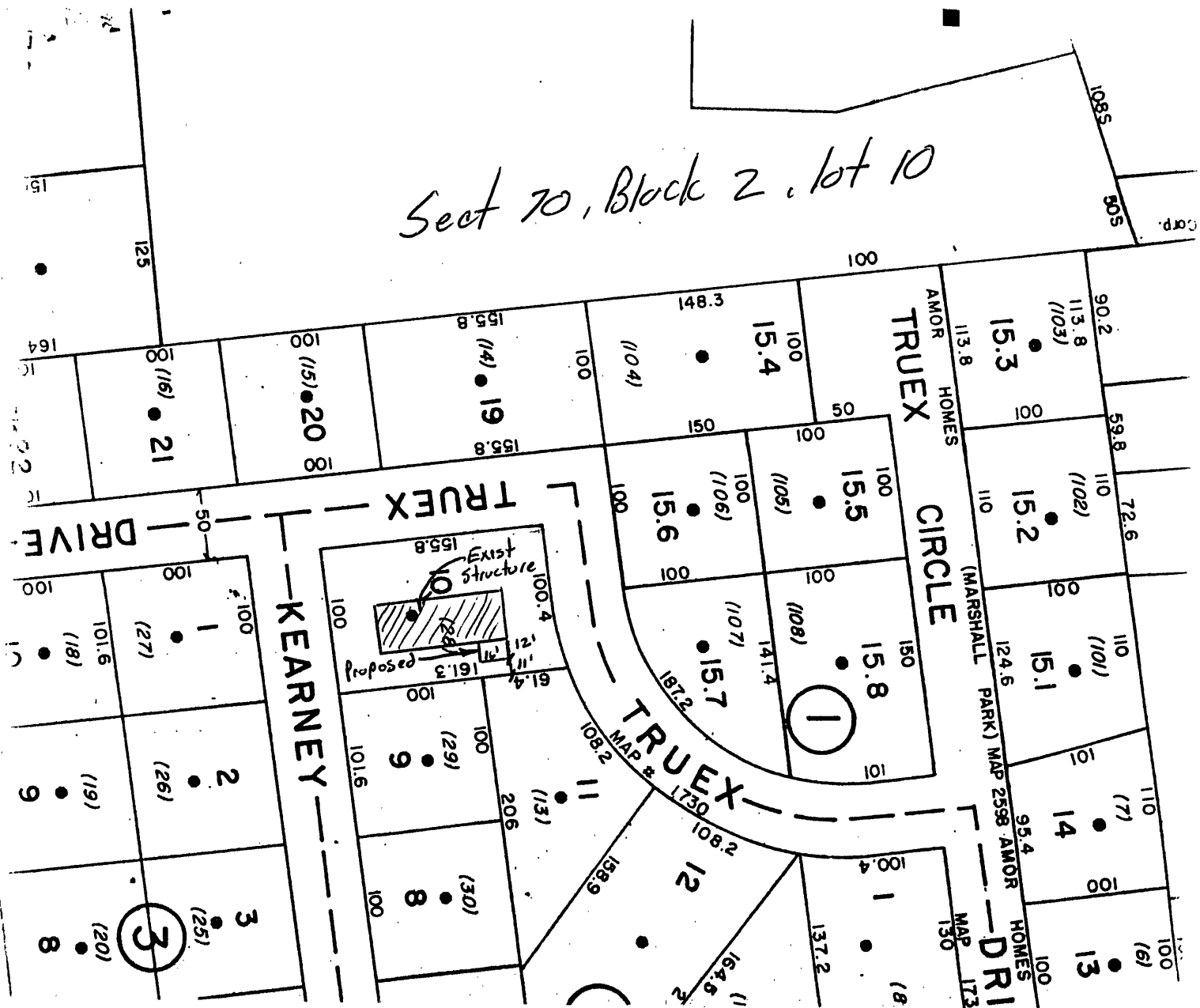
SUBJECT: Jullian Russell - Yard Variance

—FOLD HERE—

The variance requested is in the rear of the existing building, however, I feel this yard should be considered a side yard due to said property having three front yards, making it impossible to obtain a proper rear yard to begin with. the building is 23 feet from said side yard. Mr. Russell is proposing an addition projecting into the yard 12 feet leaving 11 feet remaining. It is my opinion the property should be reviewed for a 4 foot side yard variance.

by *Patricia Deliv*
Building/Zoning Inspector

Sect 70, Block 2, lot 10





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: June 14, 1983

Mr. and Mrs. Julian Russell
15 Truex Drive
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-20 - RUSSELL, JULIAN

Dear Mr. and Mrs. Russell:

This is to confirm that your above application before the New Windsor Zoning Board of Appeals was granted at a meeting held on the 13th day of June, 19 83.

A formal decision will be drafted and acted upon at a later date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not hesitate to call me.

Yours very truly,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

George Weygant

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-20.

Date: 6/7/83.

I. ✓ Applicant Information:

- (a) William Russell, 15 Tux Dr, New Windsor, NY ✓
(Name, address and phone of Applicant) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-4 same as above 100 x 60 ±
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? none
(c) Is a pending sale or lease subject to ZBA approval of this application? no
(d) When was property purchased by present owner? Dec. 1951/1974
(e) Has property been subdivided previously? - When? -
(f) Has property been subject of variance or special permit previously? no When? -
(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? yes
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 8.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd. ✓	<u>40</u>	<u>28 ft.</u>
Reqd. Street Frontage*		<u>12 ft.</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- ✓ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

There is no additional land available for the addition.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Property will be upgraded - no change in characteristics.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ N/A Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 6/7/83

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

✓S/
(Applicant)

Sworn to before me this
____ day of _____, 19____.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

X. AFFIDAVIT

Date 6/7/83.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Julian Russell
(Applicant)

Sworn to before me this
____ day of _____, 19____.

XI. ZBA Action:

(a) Public Hearing date 6.13.83.

(b) Variance is 3.9'

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date April 25, 1983

To Mr. & Mrs. Julian Russel
15 Truex Drive
New Windsor, N. Y. 12550

PLEASE TAKE NOTICE that your application dated April 19, 1983
for permit to Construct 12'x14' frame addition
at the premises located at 15 Truex Drive

is returned herewith and disapproved on the following grounds:

Existing dwelling is already in violation of rear setback
line - the addition will increase the nonconformity by
12 feet.

Patrick T. Kennedy
Building Inspector

Prelim. meeting:
May 9th -
7:30 p.m.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date April 8, 1903

To Julian Russe!
15 Truex Dr.
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated April 8, 1903
for permit to Build 12' x 14' addition to existing Frame Dwelling
at the premises located at 15 Truex Dr.

is returned herewith and disapproved on the following grounds:

existing Dwelling is non conforming to rear yard
regulations for R-4 zone. the addition will
increase the non-conformity by 12'


Building Inspector